

18A:38-21.1

LEGISLATIVE HISTORY CHECKLIST
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(Sending-Receiving---withdrawal)

NJSA: 18A:38-21.1

LAWS OF: 1996 CHAPTER: 91

BILL NO: S1025

SPONSOR(S): Haines

DATE INTRODUCED: May 2, 1996

COMMITTEE: ASSEMBLY: ---

SENATE: Education

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: June 24, 1996

SENATE: June 13, 1996

DATE OF APPROVAL: July 26, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: No

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:
REPORTS: No

HEARINGS: No

KBP:pp

P.L. 1996, CHAPTER 91, *approved July 26, 1996*
Senate, No. 1025 (*First Reprint*)

1 AN ACT concerning withdrawal from certain sending-receiving
2 relationships and amending P.L.1993, c.384.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 1 of P.L.1993, c.384 (C18A:38-21.1) is amended to
8 read as follows:

9 1. a. Notwithstanding the provisions of N.J.S.18A:38-13 and
10 N.J.S.18A:38-21, any board of education which sends students to
11 another school district may terminate a sending-receiving relationship
12 pursuant to the following conditions:

13 (1) The resident enrollment of the receiving district shall represent
14 more than 95% of the total student enrollment attending the receiving
15 district and the number of students from the sending district who
16 attend the receiving district shall represent less than three percent of
17 the total student enrollment attending the receiving district.
18 Enrollments shall be determined using resident enrollment figures
19 compiled in October of the preceding school year;

20 (2) The sending district shall agree to join a regional school district
21 subsequent to the termination of its sending-receiving relationship;

22 (3) Any secondary school student in the sending district at the time
23 of termination of the sending-receiving relationship shall be permitted
24 to complete his secondary education within the receiving district. The
25 sending-receiving relationship shall be continued for these students;

26 (4) The termination will not significantly disrupt the racial
27 composition of the sending and receiving school districts; and

28 (5) A petition of the sending district to terminate the
29 sending-receiving relationship has not been denied since January 1,
30 1988 by the Commissioner of Education, the State Board of
31 Education, or the New Jersey courts for reasons which include the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SED committee amendments adopted June 3, 1996.

1 impact on the racial composition of the pupil population of the
2 districts.

3 b. Any school district which meets the conditions of subsection a.
4 of this section must take final action to terminate its sending-receiving
5 relationship within three years following the effective date of this act.

6 c. Any school district which has taken final action to terminate its
7 sending-receiving relationship pursuant to this section shall notify the
8 receiving school district no later than December 1 of the school year
9 prior to the school year in which the termination is to occur.
10 Termination of the sending-receiving relationship shall not occur until
11 the sending district has been admitted to an existing regional school
12 district pursuant to N.J.S.18A:13-43 and N.J.S.18A:13-44 ¹, or
13 subsection d. of this section¹, or has become part of a newly formed
14 all purpose regional district pursuant to N.J.S.18A:13-34 and
15 N.J.S.18A:13-35.

16 d. Notwithstanding the provisions of N.J.S.18A:13-43 and
17 N.J.S.18A:13-44, upon the effective date of P.L. , c. (C.) (now
18 pending before the Legislature as this bill), a school district which
19 meets the conditions of subsection a. of this section shall be admitted
20 to an existing regional school district upon the adoption of a
21 resolution by its board of education and the board of education of the
22 regional school district approving the inclusion of the school district
23 within the regional district. Copies of the resolutions shall be
24 forwarded to the county superintendent or superintendents of the
25 counties in which the districts are situate. The county superintendent
26 or superintendents shall notify the commissioner and the enlargement
27 of the regional district by the admission of the proposed constituent
28 district shall become effective on the 20th day following the adoption
29 of the resolutions.

30 e. Notwithstanding the provisions of N.J.S.18A:13-8,
31 N.J.S.18A:13-36, and N.J.S.18A:13-46, the board of education of a
32 regional school district which admits a new constituent school district
33 by resolution pursuant to the provisions of subsection d. of this
34 section shall be composed of 11 members unless the regional district
35 consists of more than 11 members. One of the additional board
36 members shall represent the new constituent district and shall be
37 appointed by the county superintendent of the county in which the new
38 constituent district is situate. The second additional member shall be
39 apportioned among the other constituent districts of the regional
40 school district as determined by the county superintendent or
41 superintendents of the county or counties in which the constituent
42 local districts of the enlarged district are situate. The members so
43 appointed shall serve until the first Monday succeeding the first annual
44 school election of the enlarged regional district and their successors
45 shall be elected at that election.

46 (cf: P.L.1993, c.384, s.1)

1 2. This act shall take effect immediately.

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6 Authorizes withdrawal from sending-receiving relationships and
7 admission to regional school districts under certain conditions.

1 SPONSOR'S STATEMENT

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3 This bill provides that a school district which meets the
4 requirements of P.L.1993, c.384 and acts to terminate its sending-
5 receiving relationship after the bill's effective date, shall be admitted
6 to an existing regional school district upon the adoption of a resolution
7 approving its inclusion within the regional district by the board of
8 education of the school district and the board of education of the
9 regional district.

10 The bill also provides that the board of education of a regional
11 district which admits a new constituent district pursuant to the bill's
12 provisions shall be composed of 11 members unless the regional
13 district has more than 11 constituent districts. One of the members
14 shall represent the new constituent district and the second member
15 shall be apportioned among the other school districts by the county
16 superintendent or superintendents of the county or counties in which
17 the constituent districts are situate.

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23 Authorizes withdrawal from sending-receiving relationships and
admission to regional school districts under certain conditions.

[First Reprint]
SENATE, No. 1025

STATE OF NEW JERSEY

INTRODUCED MAY 2, 1996

By Senator HAINES

1 AN ACT concerning withdrawal from certain sending-receiving
2 relationships and amending P.L.1993, c.384.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 1 of P.L.1993, c.384 (C18A:38-21.1) is amended to
8 read as follows:

9 1. a. Notwithstanding the provisions of N.J.S.18A:38-13 and
10 N.J.S.18A:38-21, any board of education which sends students to
11 another school district may terminate a sending-receiving relationship
12 pursuant to the following conditions:

13 (1) The resident enrollment of the receiving district shall represent
14 more than 95% of the total student enrollment attending the receiving
15 district and the number of students from the sending district who
16 attend the receiving district shall represent less than three percent of
17 the total student enrollment attending the receiving district.
18 Enrollments shall be determined using resident enrollment figures
19 compiled in October of the preceding school year;

20 (2) The sending district shall agree to join a regional school district
21 subsequent to the termination of its sending-receiving relationship;

22 (3) Any secondary school student in the sending district at the time
23 of termination of the sending-receiving relationship shall be permitted
24 to complete his secondary education within the receiving district. The
25 sending-receiving relationship shall be continued for these students;

26 (4) The termination will not significantly disrupt the racial
27 composition of the sending and receiving school districts; and

28 (5) A petition of the sending district to terminate the
29 sending-receiving relationship has not been denied since January 1,
30 1988 by the Commissioner of Education, the State Board of
31 Education, or the New Jersey courts for reasons which include the

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SED committee amendments adopted June 3, 1996.

1 impact on the racial composition of the pupil population of the
2 districts.

3 b. Any school district which meets the conditions of subsection a.
4 of this section must take final action to terminate its sending-receiving
5 relationship within three years following the effective date of this act.

6 c. Any school district which has taken final action to terminate its
7 sending-receiving relationship pursuant to this section shall notify the
8 receiving school district no later than December 1 of the school year
9 prior to the school year in which the termination is to occur.
10 Termination of the sending-receiving relationship shall not occur until
11 the sending district has been admitted to an existing regional school
12 district pursuant to N.J.S.18A:13-43 and N.J.S.18A:13-44 ¹, or
13 subsection d. of this section¹, or has become part of a newly formed
14 all purpose regional district pursuant to N.J.S.18A:13-34 and
15 N.J.S.18A:13-35.

16 d. Notwithstanding the provisions of N.J.S.18A:13-43 and
17 N.J.S.18A:13-44, upon the effective date of P.L. , c. (C.) (now
18 pending before the Legislature as this bill), a school district which
19 meets the conditions of subsection a. of this section shall be admitted
20 to an existing regional school district upon the adoption of a
21 resolution by its board of education and the board of education of the
22 regional school district approving the inclusion of the school district
23 within the regional district. Copies of the resolutions shall be
24 forwarded to the county superintendent or superintendents of the
25 counties in which the districts are situate. The county superintendent
26 or superintendents shall notify the commissioner and the enlargement
27 of the regional district by the admission of the proposed constituent
28 district shall become effective on the 20th day following the adoption
29 of the resolutions.

30 e. Notwithstanding the provisions of N.J.S.18A:13-8,
31 N.J.S.18A:13-36, and N.J.S.18A:13-46, the board of education of a
32 regional school district which admits a new constituent school district
33 by resolution pursuant to the provisions of subsection d. of this
34 section shall be composed of 11 members unless the regional district
35 consists of more than 11 members. One of the additional board
36 members shall represent the new constituent district and shall be
37 appointed by the county superintendent of the county in which the new
38 constituent district is situate. The second additional member shall be
39 apportioned among the other constituent districts of the regional
40 school district as determined by the county superintendent or
41 superintendents of the county or counties in which the constituent
42 local districts of the enlarged district are situate. The members so
43 appointed shall serve until the first Monday succeeding the first annual
44 school election of the enlarged regional district and their successors
45 shall be elected at that election.

46 (cf: P.L.1993, c.384, s.1)

1 2. This act shall take effect immediately.

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6 Authorizes withdrawal from sending-receiving relationships and
7 admission to regional school districts under certain conditions.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1025

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 3, 1996

The Senate Education Committee reports favorably Senate Bill No. 1025 with committee amendments.

As amended, this bill provides that a school district which meets the requirements of P.L.1993, c.384 and acts to terminate its sending-receiving relationship after the bill's effective date, shall be admitted to an existing regional school district upon the adoption of a resolution approving its inclusion within the regional district by the board of education of the school district and the board of education of the regional district. P.L.1993, c.384 (C.18A:38-21.1) was enacted on January 11, 1994 and provided that a school district involved in a sending-receiving relationship could act to terminate that relationship if the district acted within three years of that law's effective date and met certain student enrollment percentages, agreed to join a regional school district subsequent to the termination of the sending-receiving relationship, maintained the sending-receiving relationship for any secondary students who may wish to complete their secondary education within the district, and the termination of the sending-receiving relationship would not disrupt the racial composition of the sending and receiving school districts.

The bill also provides that the board of education of a regional district which admits a new constituent district pursuant to the bill's provisions shall be composed of 11 members unless the regional district has more than 11 constituent districts. One of the members shall represent the new constituent district and the second member shall be apportioned among the other school districts by the county superintendent or superintendents of the county or counties in which the constituent districts are situate.

A technical amendment was adopted to make clear that a new option was added as a condition for the termination of a sending-receiving relationship.